

GOAL 2: CLEAN AND SAFE WATER RESPONSES TO STATE & TRIBAL ISSUES

1 Introduction

1.1 Document Purpose and Scope

The purpose of this document is to provide a summary of the EPA Region/State comments received and the U.S. Environmental Protection Agency's (EPA's or the Agency's) responses on the Revision of Goal 2: Clean and Safe Water of the EPA Strategic Plan.

A total of 95 comment submissions on the Strategic Plan were summarized. Some 27 comments were general comments on the state's and region's priorities, 13 comments were general comments on the Strategic Plan, 15 comments were on Goal 2, 9 comments were on Objective 2.1, 29 comments were on Objective 2.2, 1 comment on Sub-objective 2.2.2 and one comment was on Objective 2.3.

Comment submissions were received from all 10 EPA Regions, States and Tribes in both hard copy form as well as electronically (via e-mail).

1.2 Background

The U.S. Environmental Protection Agency (EPA) developed and submitted the Agency's *2003 Strategic Plan* to Congress and OMB on September 30, 2003 as required under the Government Performance and Results Act. EPA's *2003 Strategic Plan* serves as the Agency's road map from 2003 to 2008. The Strategic Plan lays out EPA's five long-term goals and guides it in establishing its annual goals that need to be met along the way. These goals include Clean Air and Global Climate Change, Clean and Safe Water, Land Preservation and Restoration, Healthy Communities and Ecosystems, and Compliance and Environmental Stewardship.

The Clean and Safe Water goal states:

"Ensure drinking water is safe. Restore and maintain oceans, watersheds, and their aquatic ecosystems to protect human health, support economic and recreational activities, and provide healthy habitat for fish, plants and wildlife."

EPA, Office of Water (OW) is currently looking at this Strategic Plan and is working on a new Strategic Plan for 2006 - 2011. As part of this effort, OW has established committees comprised of management and key staff to work on specific aspects of this assessment which includes defining program objectives, measuring performance, and improving effectiveness. The recommendations from this effort will be employed in the new Strategic Plan for 2006 - 2011.

The Government Performance and Results Act (GPRA) directs all Federal agencies and departments in the course of the development of their triennial strategic plans to solicit and consider the views and suggestions of those entities potentially affected or interested in these plans. Since states and tribes are major partners with EPA in environmental protection, the Agency

is very interested in learning about their views and concerns in connection with the 2006 revision of its Strategic Plan.

To this end, EPA regional offices were asked in September of 2005 to consult with their state and tribal partners about issues/priorities that are important to them as the Agency moves forward with its Strategic Plan revision. After this consultation, regional offices prepared summaries of the concerns highlighted by the states and tribes in their regions for consideration by the Agency in its deliberations on the Strategic Plan revision.

This document summarizes these comments and provides EPA responses

1.3 Document Organization

The comment summaries and responses presented in this document are organized into several chapters, as follows:

- Chapter 2 – General Comments on Priorities
- Chapter 3 – General Comments on Strategic Plan/Water Related
- Chapter 4 – Comments on Goal 2
- Chapter 5 – Comments on Objective 2.1
 - Comments on Sub-objective 2.1.1
 - Comments on Sub-objective 2.1.2
 - Comments on Sub-objective 2.1.3
- Chapter 6 – General Comments on Objective 2.2
 - Comments on Sub-objective 2.2.1
 - Comments on Sub-objective 2.2.2
- Chapter 7 – General Comments on Objective 2.3
 - Comments on Sub-objective 2.3.1
 - Comments on Sub-objective 2.3.2

Within each chapter, comments are organized under numerical subchapter headings (e.g., 2.1.2).

2. General Comments outside of the Strategic Plan

Comment: 2.1.1 [R2, Virgin Islands] [General] EPA should develop regulations for ballast water discharges, fueling activities and hull cleaning as well as the development of field/in vivo analytic methods for measuring contaminant levels in surface waters.

Response: In response to your comment that EPA should develop regulations for ballast water discharges, fueling activities and hull cleaning as well as field/in vivo analytic methods for measuring contaminant levels in surface waters, EPA responds that this is outside of the scope of the Strategic Plan. However, EPA believes that in the area of ballast water discharges that the Coast Guard still maintains the prime authority and resources for addressing ballast water discharges. EPA is currently actively involved with the Coast Guard in the development of performance discharge standard regulations for ballast water discharges..

Comment: 2.1.2 [R2 Territories, Puerto Rico] [Strategic Plan] [General] Puerto Rico suggested that EPA establish partnerships with local authorities to develop and distribute updated and comprehensive maps on all sources of water and environmental resources in Puerto Rico.

Response: In response to the comment that EPA establish partnerships with local authorities to develop and distribute updated and comprehensive maps on all sources of water and environmental resources in Puerto Rico, EPA responds that while this comment is outside the scope of the Targets of Goal 2 of the Strategic Plan, EPA encourages Puerto Rico to work with their Region on this issue.

Comment: 2.1.3 [R8]:[Tribes] [General] Region 8 Tribes suggested that EPA increase its DI presence and Tribes' environmental core program capacity. The Region also suggested that EPA change DI guidelines to allow tribes with programmatic ability to have a greater hands-on role in compliance matters. The Region commented that oil and gas activity programs should have more Tribal DI presence.

Response: In response to the comment that EPA increase its DI presence and Tribes' environmental core program capacity, that EPA change DI guidelines to allow tribes with programmatic ability to have a greater hands-on role in compliance matters, and that oil and gas activity programs should have more Tribal DI presence, EPA agrees that these are important Tribal issues and encourages the Tribes to work with their Regional office on these issues.

303(d) and 305(b)

Comment: 2.2.1 [R1 States] [General] [303(d) and 305(b)] Region 1 States commented that the approval threshold for 4(b) remains too high.

Response: In response to the comment that the approval threshold for 4(b) on the 303(d) list remains too high, EPA responds that this issue is outside of the scope of the Strategic Plan, but EPA encourages the Region 1 states to work with their Regional Office regarding the specific concerns on this issue, and to work to develop TMDLs as efficiently as possible.

Data Management

Comment: 2.3.1 [R1 States] [Strategic Plan] [General]: [Funding] [Data management] Region 1 states would like additional technical support for STORET, the assessment database (ADB) and the implementation of CDX.

Response: In response to the comment that Region 1 states would like additional technical support for STORET, the assessment database (ADB) and the implementation of CDX, EPA agrees. It is essential to have water quality data and assessment findings in an electronic database that allows this information to be manipulated to respond to the many different questions that EPA must answer about the quality of the Nation's waters. The Office of Water will continue to provide support through meetings, workshops, training and technical assistance opportunities that the Regions and States may draw upon to help them with data management. The Region and States should contact the Office of Wetlands, Oceans and Watersheds to request such assistance.

Databases

Comment: 2.4.1 [R8]:[General]:[Databases]: Region 8 commented that EPA could facilitate information exchange and encourage data consistency by standardizing its databases.

Response: In response to the comment that EPA could facilitate information exchange and encourage data consistency by standardizing its databases, EPA agrees. There are many efforts underway to facilitate information exchange, including pilot projects with three States and one Tribe to flow data into STORET and move toward a central data exchange approach to getting water quality information into EPA's databases. STORET is being reengineered into a Water Quality Exchange database allowing central data exchange so that all States and other water quality data managers can more easily store, manage, and share water quality data and information.

Drinking Water

Comment: 2.5.1 [R3 States] [General] [Drinking Water] Region 3 States commented that a key issue is drinking water supply capacity and protecting and enhancing drinking water quality.

Response: EPA agrees with the Region 3 States comment that a key issue is drinking water supply capacity and protecting and enhancing drinking water quality. Towards this end, EPA is proposing to maintain existing elements of the strategic plan concerning the quality of drinking water and source water protection.

Comment: 2.5.2 [R8]:[General] [Drinking Water] Region 8 commented that one State in the Region feels that new regulations (i.e., Arsenic and Stage 2 D/DBP) could pose significant impacts to its PWSs and the Region's Drinking Water Program.

Response: In response to the comment that the new drinking water regulations (i.e., Arsenic and Stage 2 D/DBP) could pose significant impacts to its PWSs and the Region's Drinking Water Program, EPA responds that it recognizes challenges associated with implementation of these new Congressionally required SDWA regulations and is acting to assist public water systems and states. EPA has done webcast and face-to-face trainings around the country for the Arsenic Rule. The Agency has also made available training

DVDs and a website with information on compliance technologies, as well as worked extensively with technical assistance providers to help reduce the implementation burden of this rule. For the Stage 2 D/DBP Rule, EPA is conducting several trainings this year, including one in Denver, and is also preparing technical assistance materials. EPA encourages the States to avail themselves of the offered training and technical assistance for these rules, as well as working with their Regional office on specific concerns.

Comment: 2.5.3 [R8]:[2.1]:[Tribes] [General] [Drinking Water] Region 8 Tribes commented that a key priority is for EPA to work with other Federal Agencies to provide safe drinking water. Region 8 Tribes suggested that EPA discuss water quality issues (e.g., severe drought conditions, decreased stream flow from channelization, dam releases, and generally protecting drinking water sources from contamination) with its partners.

Response: EPA agrees with the Region 8 Tribes comment that a key priority for EPA is to work with other Federal Agencies to provide safe drinking water. Towards this end, EPA is proposing to maintain the key elements of the “Water Safe to Drink” Subobjective, including the measures relating to drinking water on tribal lands and to source water protection in general.

EMAP

Comment: 2.6.1 [R10, Alaska and Tribes]:[General] [EMAP]: The State of Alaska and Tribes commented that the EMAP should reflect the fact that Alaska comprises a large part of the nation’s land base, surface water, coastline, and wetlands. Data from Alaska is essential for a complete report on the health of the nation’s waters.

Response: In response to the comment that EMAP should reflect the fact that Alaska comprises a large part of the nation’s land base, surface water, coastline, and wetlands, EPA agrees that water data from Alaska are essential; but because of the size of the water resources in Alaska, non-traditional approaches may be needed. One option is that the state could continue its rotating basis approach to assessing its waters so that over time a complete inventory could be accomplished. Another approach is to expand some of the probability survey pilot projects so that water condition statewide could be assessed.

Funding

Comment: 2.7.1 [R1 States] [General] [Funding] Region 1 commented that the biggest issue for their states is the need for additional funding.

Response: In response to the comment that the biggest issue for Region 1 States is the need for additional funding, EPA recognizes the need for providing adequate funding for important water quality programs and it has been factored into the budget discussions.

Comment: 2.7.2 [R8] [General] [Funding]: Region 8 commented that stagnant or declining SRF capitalization grants will be detrimental to state and national drinking water and wastewater infrastructure needs.

Response: In response to the comment that stagnant or declining SRF capitalization grants will be detrimental to state and national drinking water and wastewater infrastructure needs, EPA recognizes the need for providing adequate funding for

important drinking water and water quality programs. As part of the President's Budget proposal for FY 2007, submitted to Congress in February 2006, the Administration requested \$688 million to fund the Clean Water SRF. At this funding level, the total capitalization provided between FYs 2004 and 2011 will total \$6.8 billion and the CWSRF is projected to meet its long-term revolving level target of \$3.4 billion. For the Drinking Water SRF, the Administration proposed an additional \$4 million over FY 2006 enacted levels to support additional low interest loans to public water systems for improvements or upgrades to their systems.

Comment: 2.7.3 [R8]:[Tribes] [General] [Funding] Region 8 Tribes commented that an overarching priority is a need for resources for surface and ground water protection, non-point sources, aging infrastructure replacement, and to address Off-Indian Country activity impacts of source and non-point sources/Cross Border issues.

Response: In response to the comment that an overarching priority for Region 8 Tribes is a need for resources for surface and ground water protection, non-point sources, aging infrastructure replacement, and to address Off-Indian Country activity impacts of source and non-point sources/Cross Border issues, EPA recognizes the need for providing adequate funding for important water quality programs and it has been factored into the budget discussions. The Office of Water has several grant programs that provide assistance to Tribes, including the Section 106 water program grant, grants under the Section 319 nonpoint grant program, the Clean Water Indian Set-Aside program and the Alaska Native Village and Rural Communities Sanitation Grant Program.

Monitoring

Comment: 2.8.1 [R8]:[General]:[Monitoring]: Region 8 commented that water quality monitoring remains a key state priority. Capacity building for a volunteer monitoring program and monitoring strategy revisions are needed to address monitoring needs. States need additional support to achieve monitoring goals of their surface water resources.

Response: EPA agrees with the Region 8 States priority for water quality monitoring and supports its efforts of capacity building for a volunteer monitoring program and monitoring strategy revisions. Additionally, EPA will monitor progress of States and Territories in implementing their monitoring strategies. In addition, the Congress has appropriated an additional \$18.5 million under the Section 106 grants program specifically for enhancing State and Tribal water quality monitoring.

Comment: 2.8.2 [R8]:[Tribes] [General] [Monitoring] Region 8 tribes commented that a priority is to increase their capacity to for monitoring on large waterbodies. Region 8 Tribes commented that tribes must become more involved in watershed groups through the CWA Section 106 program.

Response: EPA agrees with the Region 8 Tribes priority of increasing their capacity for monitoring on large waterbodies and their approach of becoming more involved in watershed groups through the CWA Section 106 program. EPA will monitor the progress of tribes as they develop monitoring strategies and improve water data management and sharing. In addition, the Office of Water will be issuing a new section Tribal guidance in

the coming months. A major objective of the guidance is to assist Tribes with their monitoring programs.

Nonpoint

Comment: 2.9.1 [R3 States] [General] [Nonpoint] Region 3 States commented that a key issue is regulating non point sources such as agricultural runoff.

Response: In response to Region 3 States comment that a key issue is regulating non point sources EPA responds that the EPA Strategic Plan is focused on achieving a series of program goals based upon the legal authorities contained in the CWA and other applicable legislation. The CWA does not provide Federal authority to regulate nonpoint source pollution. Rather, the CWA, and EPA's national NPS program, rely upon States to successfully implement their approved NPS management programs using the array of programs and authorities that they have established. These programs may, but are not required to, include regulatory programs.

NPDES

Comment: 2.10.1 [R1 States]: [General] [NPDES] Region 1 States commented that the States will not be able to achieve the 10% NPDES backlog goal.

Response: In response to the comment the Region 1 States will not be able to achieve the 10% NPDES backlog goal, EPA responds that although this issue is outside the scope of Goal 2 of the Strategic Plan, the Office of Water will continue to include a program activity measure (PAM) with a target of 90% of all NPDES permits current, as well as a PAM for priority permits with a target of 95% current. EPA encourages the Region 1 States to work with their Regional office to identify the challenges and obstacles regarding these targets and to develop a strategy to ensure progress on these measures..

Comment: 2.10.2 [R10, Alaska] [General] [NPDES]: The State of Alaska voiced concern over the current backlog of NPDES permits. The State suggested that the strategic plan include catching up on the backlog where EPA implements the NPDES program.

Response: In response to the comment citing concern from the State of Alaska over the current backlog of NPDES permits, and the suggestion that Strategic Plan include catching up on the backlog where EPA implements the NPDES program, EPA responds that although this issue is outside the scope of Goal 2 of the Strategic Plan, the Office of Water will continue to include a program activity measure (PAM) with a target of 90% of all NPDES permits current, as well as a PAM for priority permits with a target of 95% current. EPA data systems indicate that in fiscal year 2005, 93.2% of all NPDES permits in Alaska were current, exceeding the 90% target. EPA will continue to work towards maintaining a high current permitting rate for Alaska's NPDES permits

Comment: 2.10.3 [R8] [General] [NDPES]: Region 8 commented that the increase in energy development has led to a large volume of permits requests that need to be processed. This has become a state priority. Declining federal cost share has also added to the processing burden by making it difficult to provide adequate compensation packages to recruit and retain personnel.

Response: In response to the comment that the increase in energy development has led to a large volume of permits requests that need to be processed and a result has become a state priority, EPA responds that although this issue is outside the scope of Goal 2 of the Strategic Plan EPA encourages the Region 8 States to work with their Regional office to identify the challenges and obstacles regarding this issue.

TMDL

Comment: 2.11.1 [R1 States] [Strategic Plan] [General] [Funding] [TMDL] Region 1 States have insufficient resources to complete all TMDLs within a 13 year time frame.

Response: In response to the comment that the Region 1 States have insufficient resources to complete all TMDLs within a 13 year time frame, EPA recognizes the need for providing adequate funding for important water quality programs and it has been factored into the budget discussions. EPA encourages the Region 1 States to work with their Regional office to identify the challenges and obstacles regarding this issue.

Comment: 2.11.2 [R8]:[General]:[TMDLs]: Region 8 commented that States need support to develop and implement TMDLs. There are no specific resources allocated to implementation, which impacts interstate and international water quality issues.

Response: In response to the comment that States need support to develop and implement TMDLs, EPA recognizes the need for providing adequate funding for important water quality programs and it has been factored into the budget discussions. EPA encourages the Region 8 States to work with their Regional office as well as avail themselves of available resources (EPA grants and funding information can be found at <http://www.epa.gov/water/funding.html>).

In response to the comment that there are no specific resources allocated to TMDL implementation, EPA notes that CWA section 319 grants, US Department of Agriculture Program funds, and state revolving funds are available for TMDL implementation.

Comment: 2.11.3 [R10 and States] [General] [TMDLs]: Region 10 and States commented that EPA and states need to develop an implementation strategy that goes beyond EPA's regulatory tools, involving more stakeholders and funding agencies. Region 10 is compiling an inventory of implementation techniques used in Region 10 states and will also identify and compile issues states encounter as they implement TMDLs.

Response: In response to the comment that EPA and the States need to develop an implementation strategy that goes beyond EPA's regulatory tools, involving more stakeholders and funding agencies, EPA believes that this approach would be helpful and applauds Region 10's effort in compiling an inventory of implementation techniques used in Region 10 states as well as compiling issues states encounter as they implement TMDLs.

Security

Comment: 2.12.1 [R3 States] [General] [Security] Region 3 States commented that a key issue is water security for both drinking water and waste water systems.

Response: In response to the comment that a key issue for the Region 3 States is water security for both drinking water and waste water systems, EPA responds that while water security is not a proposed Target in the Strategic Plan, EPA is working to develop measures to monitor progress with respect to water security matters.

UIC

Comment: 2.13.1 [R10, Oregon] [General] [UIC] The State of Oregon commented that the UIC program inadequately defines the terms “significant” and “addressed.” The State suggested that EPA promote a strategic, risk-based approach to UIC management.

Response: In response to the comment from the State of Oregon that the UIC program inadequately defines the terms “significant” and “addressed,” and that EPA promote a strategic, risk-based approach to UIC management, EPA responds that the UIC national program definitions for these terms that have been presented to the states reflect five years of discussion with all of the states and the National Ground Water Protection Council. The states reported on UIC measures using these terms in 2005.

Water Quality Standards

Comment: 2.14.1 [R8]:[Tribes] [General] [Water Quality Standards] Region 8 Tribes suggested that EPA develop and implement core water quality standards for all tribal waters.

Response: In response to the comment that EPA develop and implement core water quality standards for all tribal waters, EPA appreciates this comment, although it is beyond the scope of the Strategic Plan. EPA is working with the Tribal Caucus of the Tribal Operations Committee, and internally with the Indian Program Policy Committee, to address a full range of options to assure water quality protection in Indian country. The issue of potential federal promulgation of “core” water quality standards is highly complex, and has been the subject of numerous meetings and workshops with tribes over the past decade. EPA will continue to work with tribes, and to facilitate cooperative efforts wherever possible, to achieve water quality goals in Indian country.

Comment: 2.14.2 [R8]:[General]:[Water Quality Standards]: Region 8 commented that there is a need to refine and update the water use classification portion of water quality standards.

Response: In response to the comment EPA needs to refine and update the water use classification portion of water quality standards, EPA agrees, although this comment is outside the scope of the Strategic Plan. The Office of Science and Technology has been sponsoring a number of activities in this area, including a series of co-regulator and multi-stakeholder meetings to explore the many issues involved in designating waterbody uses, and alternatives for improving water quality.

Wet Weather

Comment: 2.15.1 [R3 States] [General] [Wet Weather] Region 3 States commented that a key issue is understanding the impact of wet weather on combined sewer overflows (CSOs)

and storm sewer overflows (SSOs) in an era of increasing amounts of impervious surfaces.

Response: EPA agrees with Region 3's comment that a key issue is understanding the impact of complex local issues on combined sewer overflows (CSOs) storm sewer overflows (SSOs) and storm water discharges, including infrastructure deterioration and other dynamic factors such as increasing amounts of impervious surfaces. While this comment is outside the scope of the Strategic Targets of Goal 2 of the Strategic Plan, the program activity measure (PAM) addressing CSOs will be retained, and EPA continues to address these impacts programmatically. EPA encourages the States to work with their Regional office on these issues.

3. General Comments on the Strategic Plan/Water Related

Comment: 3.1.1 [R8]:[General]: Region 8 commented that Goal 2 should discuss the issue of energy development's impact on water quality and state resources.

Response: In response to the comment that Region 8 commented that Goal 2 should discuss the issue of energy development's impact on water quality and state resources, EPA responds that energy development is an important issue for the U.S. While this issue is outside the scope of the Strategic Targets, EPA is addressing issues pertaining to energy development's impact on water quality programmatically.

Comment: 3.1.2 [R1 States] [Strategic Plan] [General] Region 1 commented that EPA should try to minimize the reporting burden on the states. EPA should not increase the number of outcome or output measures.

Response: In response to Region 1's comment that EPA should try to minimize the reporting burden on the states and Tribes, EPA responds that it is working to reduce reporting burdens and expects to reduce the number of PAMs in future years.

Comment: 3.1.3 [R1]: [Strategic Plan] [General] Region 1 commented that the all the water objectives and sub objectives be consolidated into one Goal.

Response: EPA disagrees with Region 1's comment that the all the water objectives and sub objectives be consolidated into one Goal. EPA is proposing two water related Goals which include: Goal 2, Clean and Safe Water, and Goal 4, Healthy Communities and Ecosystems. EPA feels that including selected, mostly placed based water programs in the Ecosystem Objective of Goal 4 strengthens the Strategic Plan. The new Goal 4, however, consolidates water programs within the Ecosystem Objective of Goal 4, rather than in multiple Goal 4 objectives.

Comment: 3.1.4 [R7 States] [Strategic Plan] [General] Region 7 States commented that there are too many PAMs and recommended as an alternative that a few key measures should be developed.

Response: In response to the Region 7 States comment that there are too many PAMs and recommended as an alternative that a few key measures should be developed, EPA responds that it is working to reduce reporting burdens and expects to reduce the number of PAMs in future years.

Comment: 3.1.5 [R8]:[Strategic Plan]: Region 8 commented that the revised Strategic Plan should emphasize the need to protect interior U.S. lakes, rivers, and aquatic ecosystems.

Response: In response to the Region 8 comment that the revised Strategic Plan should emphasize the need to protect interior U.S. lakes, rivers, and aquatic ecosystems, EPA responds the proposed strategic targets under subobjective 2.2.1 are applicable to all waters of the United States, including interior waters.

Comment: 3.1.6 [R9]:[General] [Strategic Plan] Region 9 and States commented that minimizing the reporting burden and ensuring environmental results are measured are important. Providing data could be difficult because of the voluntary nature of the SWP program and the current development phase that many Region 9 States are in. Additionally, California does not track SWP activities.

Response: In response to the comment from Region 9 and States that minimizing the reporting burden and ensuring environmental results are measured are important and that providing data could be difficult because of the voluntary nature of the SWP program and the current development phase that many Region 9 States are in, EPA responds that, while the SWP program is voluntary, information is needed concerning the rate of implementation of source water protection strategies since source water protection is a key component of ensuring that drinking water is safe. EPA's national guidance strongly recommends that states track local source water protection activities to understand their effectiveness in protecting drinking water sources.

Comment: 3.1.7 [R10, Idaho]:[Strategic Plan]: The State of Idaho suggested that EPA consider incorporating the following measures into the Strategic Plan: (1) Percentage of stream miles meeting water quality standards and beneficial uses; (2) Percentage reduction of nitrate levels in all monitoring wells exceeding the ground water quality standard within nitrate priority areas that have completed management plans; (3) Percentage of funded watershed projects finished on time and within budget; (4) Percentage of sanitary survey inspection reports returned to a facility within 30 days.

Response: In response to the State of Idaho suggestion that EPA consider incorporating the following measures into the Strategic Plan:

(1) *Percentage of stream miles meeting water quality standards and beneficial uses*; EPA considered but rejected a measure of this type. This type of measure would require monitoring resources far beyond what is available to provide a reliable national result. Measures that have as a baseline only those waters that are "assessed" are subject to the criticism that such waters are not representative of the Nation's waters. Instead, EPA is proposing a new Strategic Target for wadeable streams under Subobjective 2.2.1 that uses a probabilistic sampling approach that is within the capability of EPA and the states to implement. Additionally, this subobjective includes three proposed Strategic Targets that focus on restoring waters known to be impaired through state assessments.

(2) *Percentage reduction of nitrate levels in all monitoring wells exceeding the ground water quality standard within nitrate priority areas that have completed management plans*; This comment is outside the scope of the Strategic Plan since there are no national ambient standards for nitrate in ground water.

(3) *Percentage of funded watershed projects finished on time and within budget*; EPA believes it is important to focus on the environmental outcomes from watershed projects. The proposed strategic architecture for Subobjective 2.2.1 includes a strategic target for improving water quality in targeted watersheds that have impaired waterbodies within them. Additionally, The National Water Program Guidance includes several Program Activity Measures (PAMs) that address program activities that are used to implement the watershed approach.

(4) *Percentage of sanitary survey inspection reports returned to a facility within 30 days*; EPA's Office of Water currently includes a sanitary survey measure among its Program Activity Measures (PAMs). We intend to keep a sanitary survey measure. We are considering whether or how to modify the existing measure.

Comment: 3.1.8 [R10, Alaska and Tribes]:[General]:[Strategic Plan]: The State of Alaska and Tribes suggested that EPA prioritize baseline and ongoing water quality monitoring in Alaska in order to create a "baseline condition" for the nation's waters.

Response: In response to the comment from the State of Alaska and Tribes that EPA prioritize baseline and ongoing water quality monitoring in Alaska in order to create a “baseline condition” for the nation’s waters, EPA responds that because of the size of the water resources in Alaska, a non-traditional approach is needed. The probability survey fund that is being established under the Section 106 Monitoring Initiative contains funds for Alaska, Hawaii, and the territories. These funds can be used for pilot projects and other efforts needed to establish a baseline condition.

Funding

Comment: 3.2.1 [R5 States and Tribes] [Strategic Plan] [General] [Funding] The Region 5 States and Tribes commented that the Strategic Plan should reflect an emphasis on maintenance of existing infrastructure including stormwater management to protect and restore water quality.

Response: In response to the comment from the Region 5 States and Tribes that the Strategic Plan should reflect an emphasis on maintenance of existing infrastructure including stormwater management to protect and restore water quality, EPA responds that the Office of Water will continue to include program activity measures (PAMs) which ensure that the storm water program continues to be actively implemented. In addition, EPA will produce a measure development plan by 2007, including baselines, to support measures of progress under each of the pillars of our Sustainable Infrastructure Strategy (Better Management, Water Efficiency, Full Cost Pricing, and Watershed). A major goal and the purpose of the EPA’s Sustainable Water Infrastructure Strategy is changing how the Nation views, values, manages, and invests in its water infrastructure. Through the use of effective and innovative approaches and technologies, a commitment to long-term stewardship of our water infrastructure, and collaboration with key stakeholders, we can make better use of our resources, potentially reduce the funding gap and move the Nation’s water infrastructure down a pathway toward sustainability over the next fifteen years.

Comment: 3.2.2 [R10, Alaska and Tribes]:[General]:[Strategic Plan]:[Funding]: The State of Alaska and Tribes suggested that Strategic Plan funding reflect the need for establishing initial baselines and monitoring environmental conditions in Alaska. Funding should also be proportional to the land and water under Alaska’s jurisdiction.

Response: In response to the State of Alaska and Tribes suggestion that Strategic Plan funding reflect the need for establishing initial baselines and monitoring environmental conditions in Alaska, and the suggestion that funding should also be proportional to the land and water under Alaska’s jurisdiction, EPA responds that because of the size of the water resources in Alaska a non-traditional approach is needed. The probability survey fund being established under the Section 106 Monitoring Initiative contains funds for Alaska, Hawaii, and the territories. These funds can be used for pilot projects and other efforts needed to establish a baseline condition.

Monitoring

Comment: 3.2.3 [R1 States] [General]: [Funding] [Monitoring]: Region 1 states believe that additional funding is needed to implement comprehensive monitoring strategies. EPA needs to work directly with the States regarding 106 funding

formulas especially if 106 monies will be used to support national probabilistic monitoring.

Response: In response to Region 1 States comment that additional funding is needed to implement comprehensive monitoring strategies, EPA responds that the President's FY2005 and FY2006 budgets requested \$17 million and \$24 million respectively for Section 106 grants for maintaining and improving statistically-valid water quality monitoring programs to provide information for decision makers and the public. Congress appropriated a total of \$18.5 million for this monitoring initiative. Headquarters will provide assistance to both Regional monitoring and 106 staff, who should be working closely together with each state, to ensure that these funds are used effectively for strengthening state monitoring programs and collaboration on statistically-valid (probability) surveys of water condition nationwide.

Technology based effluent limits

Comment: 3.3.1 [R5 States] [General] [Technology based effluent limits] Region 5 States commented that EPA needs to be more aggressive in developing and updating the technology based Effluent Limitations.

Response: In response to the Region 5 States comment that EPA needs to be more aggressive in developing and updating the technology based Effluent Limitations, EPA responds that the development of technology based Effluent Limitations is outside of the scope of the proposed Goal 2 of the Strategic Plan.

EPA continues to place a strong emphasis on developing and updating technology-based effluent limitations and guidelines. Each year EPA conducts a review of the current effluent guidelines, in accordance with the Clean Water Act. In addition, every other year, EPA publishes an Effluent Guidelines Plan required by the Act after an opportunity for public input and comment. EPA invites the states to participate in this process.

Watershed

Comment: 3.4.1 [R5 States and Tribes] [Strategic Plan] [Watershed] The Region 5 States commented that the Strategic Plan should be modified to reflect the concept of targeting efforts to the most important problems and measuring progress in terms of load reduction.

Response: In response to the comment from the Region 5 States that the Strategic Plan should be modified to reflect the concept of targeting efforts to the most important problems and measuring progress in terms of load reduction, EPA is proposing a suite of Strategic Targets that include targeting of efforts on impaired waterbodies and watersheds with impaired segments. (See the proposed Strategic Architecture for Subobjective 2.2.1). The Office of Water also proposes to continue to include a program activity measure (PAM) that measures progress in terms of pollutant load reduction. The Office of Water has additional program activity measures (PAMs) that are intended to focus and coordinate EPA and State programs on key elements of the water quality program, both to maintain progress made to date and to address ongoing and new problems. EPA continues to evaluate its programs to ensure that the most important problems are addressed.

4. General Comments on Goal 2

Comment: 4.1.1 [R2 States, New York] [Goal 2] New York comments that the recommendations of the Pew Commission Oceans study should be either its own Goal or included in the targets and strategies to Goal 2.

Response: In response to the comment from the State of New York that the recommendations of the Pew Commission Oceans study should be either its own Goal or included in the targets and strategies to Goal 2, EPA responds that coastal protection is addressed in the Ocean and Coastal Subobjective of Goal 2 and that many of the Pew Commission recommendations are likely to be addressed in the narrative strategy section of the new Strategic Plan.

Comment: 4.1.2 [R2 Territories, Virgin Islands] [Goal 2] Virgin Islands commented that Goal 2 should include capacity building at the local level for monitoring the effects of long-term water quality conditions.

Response: In response to the comment from the Virgin Islands that Goal 2 should include capacity building at the local level for monitoring the effects of long-term water quality conditions, EPA responds that this specific issue is outside of the scope of the proposed Targets in Goal 2. EPA encourages the Virgin Islands to work with their Regional office on this issue.

Comment: 4.1.3 [R3 States] [Goal 2] Region 3 States commented that the subobjectives, targets and measures for compliance and enforcement in Goal 2 and Goal 5 need to be coordinated.

Response: In response to the comment from the Region 3 States that the subobjectives, targets and measures for compliance and enforcement in Goal 2 and Goal 5 need to be coordinated, EPA agrees that enforcement and compliance activities need to support water quality goals. EPA offices are working to ensure such coordination at the program level, and in fact are including program activity measures (PAMs) at the program level to ensure this occurs. In addition, since State enforcement and water programs are funded in part by Section 106 grants, the Section 106 guidance will emphasize linkage between both aspects of their State programs.

Comment: 4.1.4 [R7 States, Missouri] [Goal 2] Missouri commented that Sub-objectives 2.1.3 and 2.2.1 should be combined.

Response: In response to the comment from the State of Missouri that Sub-objectives 2.1.3 and 2.2.1 should be combined, EPA responds that it sees value in keeping these sub-objectives separate so that more specific targets can be tied to them.

Comment: 4.1.5 [R9]:[Goal 2] Region 9 suggested modifying the OW architectural structure to improve reporting and ensure accountability. One change involves moving Goal 4 (Border and Pacific Island infrastructure) into Goal 2.

Response: In response to the suggested changes to Goal 2 from Region 9 and the States, EPA responds that it appreciates the specific suggestions and has given them careful consideration. The Agency has made an overall decision that programs are not to be moved

from one goal to another, so many of these suggestions are not possible at this time. OW is open to a measure relating to Pacific Island infrastructure, modeled after the Mexico Border measures.

Databases

Comment: 4.2.1 [R8] [Goal 2] [Databases] Region 8 suggested that integrating the EPA Assessment Database, the WQ Standards database, and the WQ Standards Attainment database should be discussed in Goal 2.

Response: In response to Region 8 and the States suggestion that EPA integrate the Assessment Database, the WQ Standards database, and the WQ Standards Attainment database, EPA agrees that these databases should be accessible in an integrated fashion, and has designed them to allow this to happen. The WATERS application, accessible on the Office of Water web site, allows for data from these systems to be accessed and used with each other. The National Water Program Guidance will continue to include PAMs to assure that obtaining and storing water quality assessment information receives a high priority. Discussing data issues is beyond the scope of the proposed Objectives and Targets for Goal 2, however.

Drinking Water

Comment: 4.3.1 [R3 States] [Goal 2] [Drinking Water] Region 4 states commented that a key issue is maintenance and protection of drinking water. This includes source water protection and capacity development.

Response: EPA agrees with the comment from the Region 4 States that a key issue is maintenance and protection of drinking water which includes source water protection and capacity development. Towards this end, EPA proposes to continue to have a measure related to source water protection in the Strategic Plan. We will continue to address capacity development programmatically.

Comment: 4.3.2 [R4 States] [Goal 2] [Drinking Water] Region 4 States commented that the recommendations of the Association of State Drinking Water Administrators Working Group should be seriously considered.

Response: In response to the comment from the Region 4 States that EPA should consider the recommendations of the Association of State Drinking Water Administrators Working Group, EPA is proposing a new strategic target based on one of the key recommendations of the Association of State Drinking Water Administrators Working Group. EPA will continue to work closely with ASDWA on this issue.

Comment: 4.3.3 [R3 States] [Goal 2] [Drinking Water] Region 3 States commented that radon in drinking water should be added to Goal 1 and 2.

Response: In response to the comment from the Region 3 States that radon in drinking water should be added to Goal 1 and 2, EPA responds that the Region 3 States should work with the Regional office on this issue.

Infrastructure

Comment: 4.4.1 [R7 States, Iowa] [Goal 2] [Infrastructure] Missouri commented that infrastructure issues in the Strategic Plan should reflect the seriousness of the problem.

Response: In response to the comment from the State of Missouri that infrastructure issues in the Strategic Plan should reflect the seriousness of the problem, EPA agrees, and will produce a measure development plan by 2007, including baselines, to support measures of progress under each of the pillars (Better Management, Water Efficiency, Full Cost Pricing, and Watershed) of our Sustainable Infrastructure Strategy.

Monitoring

Comment: 4.5.1 [R4 States] [Goal 2] [Monitoring] Region 4 States commented that the Strategic Plan should be prioritized given the limited resources available to meet all of the monitoring needs for the strategic measures and program activities (i.e. TMDL). A suggestion towards this end is identifying essential State monitoring/assessment program efforts via the PAMS, and then having Agency resources supporting these efforts.

Response: In response to the comment from the Region 4 States that the Strategic Plan should be prioritized given the limited resources available to meet all of the monitoring needs for the strategic measures and program activities (i.e. TMDL) and the suggestion that the Strategic Plan identify essential State monitoring/assessment program efforts via the PAMS, and then having Agency resources supporting these efforts, EPA agrees that different States and Regions have varying program priorities and notes that the process of setting Regional targets for program measures is a chance to set varying levels of commitment to program areas based on these priorities.

Nonpoint

Comment: 4.6.1 [R4 States] [Goal 2] [Nonpoint] The Region 4 coastal States commented that linkages need to be made between the strategic target and program activity level to better address nonpoint source pollution in coastal watersheds.

Response: In response to the comment from the Region 4 coastal States that linkages need to be made between the strategic target and program activity level to better address nonpoint source pollution in coastal watersheds, EPA responds, the strategic targets and program activity measures that EPA has established in the Strategic Plan are carefully linked to each other so that they are mutually supportive. Specifically, in the context of nonpoint source pollution, they provide specific targets for both annual pollutant load reductions and water quality remediation to meet water quality standards, which in turn support the broader water quality remediation goals (e.g., Measure L). These PAMs apply both to coastal and non-coastal watersheds.

Comment: 4.6.2 [R7 States, Iowa] [Goal 2] [Nonpoint source] Iowa commented that the nonpoint source measures should include linkages to the Farm Bill.

Response: In response to the comment from the State of Iowa that the nonpoint source measures should include linkages to the Farm Bill, EPA responds, that since the Farm Bill is implemented by USDA, it would be inappropriate for EPA to establish goals for Farm Bill implementation in EPA's strategic planning. At the same time, however, successful

Farm Bill implementation that focuses on water quality at the watershed level is a critical feature of any successful national effort to remediate a large number of NPS-impaired waters. For this reason, EPA national NPS guidelines specifically discuss partnerships between the Section 319 program and USDA programs, including coordinating and focusing on the relative strengths of each program to solve water quality problems. We are continuing to work with USDA at the national, Regional, State, and local level to promote cooperative problem-solving at the watershed scale.

TMDL

Comment: 4.7.1 [R2 States, New York] [Goal 2] [TMDL] New York comments that Goal 2 needs to be revised to reflect that shrinking resources may need to focus on waste minimization rather than completing TMDLs which are very costly.

Response: In response to the comment from the State of New York that Goal 2 needs to be revised to reflect that shrinking resources may need to focus on waste minimization rather than completing TMDLs which are very costly, EPA responds that the proposed *Sub-objective 2.2.1: Improve Water Quality on a Watershed Basis*, includes an emphasis on *both pollution prevention and restoration approaches to protect the quality of rivers, lakes and streams on a watershed basis*. The proposed strategic architecture also includes a water quality “maintenance” measure designed to *assure that the condition of the Nation’s wadeable streams does not degrade*. With regard to the State’s specific suggestion of focusing on waste minimization rather than completing TMDLs, EPA does not agree. TMDLs are required by law, and in many cases are scheduled for completion under court jurisdiction. Reconsidering these statutory requirements and EPA policy decisions is beyond the scope of this Strategic Plan revision.

Watershed

Comment: 4.8.1 [R7 States] [Goal 2] [Watershed] The States commented that they would like clarification on what is meant by a “watershed approach.”

Response: In response to the comment from Region 7 requesting clarification on what is meant by a “watershed approach,” EPA responds that “A watershed refers to a geographic area in which water drains to a common outlet. A watershed includes not only all water resources, such as lakes and rivers, but also the land that drains into these resources. The watershed approach is a strategy for achieving clean water and is described in the FY 2006 National Water Program Guidance in the section addressing the Watershed Subobjective.

5. Comments on Objective 2.1 Protect Human Health

Comment: 5.1.1 [R3 States] [2.1] Region 3 States recommended that the following Objectives be added to 2.1:

- “Maintain Infrastructure and Services”: Drinking water and sewer preparedness, security and infrastructure sustainability issues.
- “Protect Ground Water Sources of Drinking Water”: Centralize groundwater protection issues and ensure that surface water sources are treated more extensively and comprehensively;
- “Unregulated Contaminant Response”: Cover many emerging threats to drinking water sources, e.g. pathogens, pharmaceuticals and personal care products, MTBE, perchlorate, radon, etc.

Response: In response to the Region 3 States recommendation that the proposed Objectives as described above be added to 2.1, EPA responds that these issues are matters of program strategy and are best addressed in the narrative portions of the Strategic Plan, rather than the architecture of outcome measures.

Comment: 5.1.2 [R9]:[2.1]: Region 9 commented that 95 percent of Tribal CWSs conduct appropriate monitoring under the SDWA, addressing violations of monitoring and reporting requirements and suggested adding this as an additional measure/subobjective.

Response: In response to the Region 9 States that commented that 95 percent of Tribal CWSs conduct appropriate monitoring under the SDWA, addressing violations of monitoring and reporting requirements and suggested adding this as an additional measure/subobjective, EPA responds in the Strategic Architecture it is prioritizing compliance with health-based requirements, including a health-based measure specifically for Tribes. We are also considering data quality measures in developing new Program Activity Measures.

Sub-Objective 2.1.1 Water Safe to Drink

Comment: 5.2.1 [R9]:[2.1.1]: Region 9 suggested a revision 2.1.1 - that people with CWSs facing adverse disproportionate impacts (e.g., arsenic, perchlorate exposure, and cesspools in Hawaii) receive drinking water that meets all applicable health-based standards.

Response: In response to the Region 9 States suggested revision to Sub-Objective 2.1.1 - that people with CWSs facing adverse disproportionate impacts (e.g., arsenic, perchlorate exposure, and cesspools in Hawaii) receive drinking water that meets all applicable health-based standards, EPA responds that all CWSs must protect public health under the SDWA by meeting the health-based requirements that apply to them, which is why EPA includes those CWSs in Sub-objective 2.1.1.

Comment: 5.2.2 [R9]:[2.1.1]: Region 9 suggested an additional measure/subobjective to 2.1.1 - that the number of households on Tribal lands lacking access to safe drinking water and sanitation be reduced by 50 percent by 2015.

Response: In response to the Region 9 States suggestion to add a measure/subobjective to 2.1.1 - that the number of households on Tribal lands lacking access to safe drinking water and sanitation be reduced by 50 percent by 2015, EPA responds that the Agency’s draft strategic architecture, released for public review on 2/14/06, includes the following

proposed Strategic Target in 2.1.1: *By 2015, in coordination with other federal agencies, reduce by XX percent the number of homes on tribal lands lacking access to safe drinking water. (Baseline: Indian Health Service data indicating XX,000 homes on tribal lands lack access to safe drinking water.)*

Comment: 5.2.3 [R9]:[2.1.1]: Region 9 suggested an additional measure/subobjective to 2.1.1. - that adequate drinking water is ensured to Pacific Island residents where there are challenges to provide adequate water infrastructure.

Response: In response to Region 9 States suggestion to add a measure/subobjective to 2.1.1. - that adequate drinking water is ensured to Pacific Island residents where there are challenges to provide adequate water infrastructure, OW responds that it is open to a measure relating to water infrastructure in the Pacific Islands but would want to see more specific proposals.

Drinking Water

Comment: 5.3.1 [R1 States] [2.1.1] [Drinking Water Programs] Region 1 commented that without more resources for EPA and the states, it is questionable that the states will be able to keep up with current and new rule requirements and EPA should consider lowering strategic targets

Response: In response to the Region 1 states comment that without more resources for EPA and the states, it is questionable that the states will be able to keep up with current and new rule requirements and EPA should consider lowering strategic targets, EPA responds that it believes that the proposed targets are attainable nationwide.

Comment: 5.3.2 [R4 States] [2.1.1] [Drinking Water] Several of the Region 4 states commented that the targets in 2.1.1 are unreasonable given the new rules.

Response: In response to the comment from several of the Region 4 states that the targets in 2.1.1 are unreasonable given the new rules, EPA responds that it believes that the proposed targets are attainable nationwide.

Sub-Objective 2.1.2 Fish and Shellfish Safe to Eat

Comment: 5.4.1 [R6 States, Texas] [2.1.2] Texas commented that the target should capture all assessed waters rather than relying on a 2002 baseline.

Response: In response to the comment from the State of Texas that the target 2.1.2 should capture all assessed waters rather than relying on a 2002 baseline, EPA responds that it will make every effort to update baselines as quickly as possible.

Comment: 5.4.2 [R9 States, Tribes, Pacific Islands]:[2.1.2]: Region 9 States, Tribes, Pacific Islands suggested a revision to 2.1.2 - that water and sediment quality improves to increase consumption of fish and shellfish and benefit low-income populations and tribal communities.

Response: In response to the Region 9 States, Tribes, Pacific Islands suggested revision to 2.1.2 - that water and sediment quality improves to increase consumption of fish and shellfish and benefit low-income populations and tribal communities, EPA

responds that it is aware of issues related to low income populations and is assessing possible measures in this area.

Sub-Objective 2.1.3 Water Safe for Swimming

Comment: 5.5.1 [R9 States, Tribes, Pacific Islands]:[2.1.3]: Region 9 States, Tribes, Pacific Islands suggested a revision to 2.1.3 - that water quality in coastal beaches is restored and beach pollution from sanitary overflows and stormwater in California, Hawaii, and Pacific Islands is reduced.

Response: In response to the Region 9 States, Tribes, and Pacific Islands suggested revision to 2.1.3 - that water quality in coastal beaches is restored and beach pollution from sanitary overflows and stormwater in California, Hawaii, and Pacific Islands is reduced, EPA responds that the proposed revision of the swimming subobjective narrows the attention to coastal and Great Lakes waters. In addition, EPA is retaining and improving program activity measures (PAMs) to ensure that CSOs and storm water programs are implemented. EPA continues to place a high emphasis on addressing CSOs, SSOs and storm water. In Region 9, States, Tribes and Pacific Islands should work with the Region to implement effective programs to address these threats to coastal beaches.

6. Comments on Objective 2.2 Protect Water Quality

Comment: 6.1.1 [R1] [2.2] Region 1 believes that EPA should design measures that show incremental progress.

Response: EPA agrees with the comment from Region 1 that EPA should design measures that show incremental progress. EPA includes a new strategic target under Subobjective 2.2.1 that tracks incremental progress in terms of the number of specific impairments removed. This will complement the current measure that tracks the number of water segments where water quality is completely restored

Comment: 6.1.2 [R1 Tribes] [2.2] The Region1 Tribes commented that specific language should be added to the Strategic Targets and Objectives to reflect their priorities which include:

1. Monitoring and data gathering and analysis, including contamination of subsistence foods and traditional medicines from water quality problems.
2. Education and outreach to tribal members and partners and best management practices to control and reduce nonpoint source pollution.
3. Delineation, monitoring, protection and remediation of wetlands
4. Water Quality standards, TMDLs, and NPDES permits.

Response: In response to Region 1 Tribes recommended additions to the Strategic Targets and Objectives, EPA appreciates these suggestions. Although the recommendations are programmatic suggestions, rather than Strategic Targets, they can be considered at a later date when the text of the Strategic Plan and the National Water Program Guidance is developed. For example, the FY 2006 *National Water Program Guidance* includes many of the concepts in the commenters' recommendations. The first in a three-fold strategy to meet the strategic targets of the watershed sub-objective (2.2.1 – Improve Water Quality on a Watershed Basis) is to implement core CWA Programs to protect all waters nationwide. The programs include water quality standards, TMDLs, and NPDES permits. Please see page 22 of the FY 2006 *National Water Program Guidance* at <http://www.epa.gov/water/waterplan> for more details.

In addition, EPA notes that every program has an array of specific program activity measures (PAMs) that address many of these activities.

In response to the comment from the Region1 tribes that specific language should be added to the Strategic Targets and Objectives to reflect their priority that include education and outreach to tribal members and partners on best management practices to control and reduce non point source pollution, EPA responds, education and outreach to tribes for remediating nonpoint source pollution is an ongoing process, with Tribal workshops held every year by the national NPS program to help tribes address their NPS concerns. Training is especially being emphasized with respect to developing and implementing watershed-based plans (PAM WQ-28). However, EPA does not feel a measure specifically addressing education and outreach for Tribes with respect to NPS pollution is necessary at this time.

Comment: 6.1.3 [R3 States] [2.2] Region 3 States suggested to change title of Objective 2.2 from Protect Water Quality to Watershed Restoration.

Response: EPA disagrees with Region 3 States suggestion to change the title of Objective 2.2 from Protect Water Quality to Watershed Restoration. EPA believes this subobjective should address both maintenance and restoration of water quality, including use of both pollution prevention and restoration. The proposed strategic targets include measures addressing both restoration and maintenance.

Comment: 6.1.4 [R10, Idaho][2.2] The State of Idaho commented that EPA should recognize regional initiatives rather than focus solely on broad national measures. Watershed or species recovery work may show progress on a local level long before being achieved on a national level.

Response: In response to the State of Idaho comment that EPA should recognize regional initiatives rather than focus solely on broad national measures whereby, watershed or species recovery work may show progress on a local level long before being achieved on a national level, EPA responds that three of the proposed strategic targets for Subobjective 2.2.1 allow for local restoration activities, both full and incremental restoration, as well as watershed-level actions to receive credit. Similarly, the wadeable streams measure will credit local activities, albeit on a statistical sampling basis. Further, Goal 4 places emphasis on major place-based actions. EPA welcomes suggestions for additional major place-based subobjectives.

Comment: 6.1.5 [R10, Idaho] [2.2] The State of Idaho suggested that EPA provide environmental measures that reflect that watershed and species recovery may take time.

Response: In response to the comment from the State of Idaho that suggested EPA provide environmental measures that reflect that watershed and species recovery may take time, EPA agrees that recovery takes time. For example, the proposed draft targets for the strategic measures in Subobjective 2.2.1 recognize that only a limited number of waterbodies can be restored or improved by 2012. EPA looks forward to working collaboratively with states and tribes in the coming months to carefully consider these targets, and whether they are appropriately challenging but realistic, in light of recovery times, technical feasibility, and a host of other factors.

Comment: 6.1.6 [R10, Alaska][2.2] The State of Alaska requests that EPA complete the rulemaking effort clarifying federal jurisdiction over wetlands and other waters through the Clean Water Act. The “no net loss of wetlands” strategy needs modification to recognize this jurisdiction issue.

Response: In response to the comment from the State of Alaska that requests EPA complete the rulemaking effort clarifying federal jurisdiction over wetlands and other waters through the Clean Water Act, EPA responds that this rulemaking effort is outside the scope of Goal 2 of the Strategic Plan.

Comment: 6.1.7 [R10, Oregon] [2.2] The State of Oregon commented that the water quality improvement based on the measure regarding fully attained waterbodies is a result of extracting the data from Oregon’s 303(d) list, not a true achievement of improvements. The State believes near term improvements cannot be shown because of widespread temperature problems and nonpoint source pollution problems. Also, progress on pollution

problems within a waterbody may not show because of the goal to meet all water quality standards.

Response: In response to the State of Oregon comments that the water quality improvement based on the measure regarding fully attained waterbodies is a result of extracting the data from Oregon's 303(d) list, not a true achievement of improvements; that the State believes near term improvements cannot be shown because of widespread temperature problems and nonpoint source pollution problems; and that progress on pollution problems within a waterbody may not show because of the goal to meet all water quality standards, EPA agrees that progress on pollution problems takes time. See discussion of the target-setting process in the response to comment number 6.5. Furthermore, EPA explicitly considered the type of problem the State identifies, and has included a proposed new strategic target that allows states to take credit for restoring individual impairments even if other impairments remain on a waterbody,

Comment: 6.1.8 [R10, Oregon] [2.2] The State of Oregon suggested that EPA incorporate adaptive management concepts. Submeasures could include assessment, development of a water quality improvement plan, quantitative measurement of progress which could include surrogates, measurable water quality improvement, and achievement of standard.

Response: EPA agrees with the State of Oregon suggestion that EPA incorporate adaptive management concepts and that submeasures could include assessment, development of a water quality improvement plan, quantitative measure of progress which could include surrogates, measurable water quality improvement, and achievement of standard. The National Water Program Guidance has included a component for adaptive management for several years. EPA continues to support the use of this concept, both in terms of regularly reassessing and revising its own Strategic Plans, and in terms of supporting states and other stakeholders in using adaptive management concepts in implementing the watershed approach at the local level.

303(d) and 305(b)

Comment: 6.2.1 [R1 and R1 States]: [2.2] [303(d) and 305(b)] Region 1 and Region 1 States commented that EPA should develop program activity measures and targets to give credit for completing TMDLs as well as moving water bodies into category 4(b).

Response: In response to the comment from Region 1 and Region 1 States that EPA should develop program activity measures and targets to give credit for completing TMDLs as well as moving water bodies into category 4(b), EPA responds that the TMDL "pace" PAM referenced in response 2.11.2, gives credit for categories moved to 4b. The pace calculation divides the number of TMDLs completed for the fiscal year by the number TMDLs an EPA Region must complete (in the same fiscal year) to stay on pace with state schedules. Category 4b scenarios are deducted from this denominator of TMDLs needed, thus taking these TMDL alternatives into account in the pace calculation. Additionally, a new PAM for fiscal year 2006, WQ-33, quantifies the number of water segments known to be impaired or threatened for which states and EPA agree initial restoration planning is complete (e.g., EPA has approved all needed TMDLs for pollutants causing impairments

to the waterbody or has approved a 303(d) list that recognizes that the waterbody is covered by a Watershed Plan (Category 4b)).

GRTS

Comment: 6.3.1 [R1 States]: [2.2] [GRTS] Region 1 States commented that improvements to the GRTS tracking system (e.g. immediate upgrade to server and timely transition to the Oracle-based system) are necessary to effectively track progress in the NPS program.

Response: In response to the comment from the Region 1 States that improvements to the GRTS tracking system (e.g. immediate upgrade to server and timely transition to the Oracle-based system) are necessary to effectively track progress in the NPS program, EPA agrees that GRTS must be upgraded, and is in the process of converting GRTS to an Oracle-based system. A beta-version of an Oracle-based GRTS should be ready by early summer.

Funding

Comment: 6.4.1 [R1]: [2.2] [Funding] Region 1 commented that states will not be able to commit to increased efforts to show progress on a watershed scale without increased resources or a disinvestment elsewhere.

Response: In response to the comment from Region 1 that states will not be able to commit to increased efforts to show progress on a watershed scale without increased resources or a disinvestment elsewhere, EPA recognizes the need for providing adequate funding for important water quality programs and it has been factored into the budget discussions.

Comment: 6.4.2 [R10, Alaska] [2.2][Funding]: The State of Alaska suggested that EPA commit to funding a program to protect and manage wetlands in Alaska.

Response: In response to the State of Alaska suggestion that it commit to funding a program to protect and manage wetlands in Alaska, EPA responds that this comment is outside the scope of the Strategic Plan. .

NPDES

Comment: 6.5.1 [R1 States]: [2.2] [NPDES] Region 1 States would like to see more flexibility in the definition of priority permits (e.g. to include important permit modifications for nutrients etc) and how they are accounted for in annual PAMs.

Response: In response to the Region 1 States request to see more flexibility in the definition of priority permits (e.g. to include important permit modifications for nutrients etc) and how they are accounted for in annual PAMs, EPA responds that it has developed criteria for determining which permits are candidates for being identified as priority permits. However, with regard to selecting which permits are priorities in any given year, we have provided examples of criteria States and Regions should consider, providing States flexibility in the selection.

TMDL

Comment: 6.6.1 [R1 States]: [2.2] [TMDL] Region 1 States commented that EPA should develop program activity measures and targets to give credit for TMDL water quality control plans and implementation activities.

Response: In response to Region 1 States comment that EPA should develop program activity measures and targets to give credit for TMDL water quality control plans and implementation activities, EPA agrees. EPA interprets “water quality control plans” as plans to achieve water quality standards (also known as Category 4b scenarios). Please see the response to comment 6.9.1.

Sub-Objective 2.2.1 Improve Water Quality on a Watershed Basis

Comment: 6.7.1 [R3 States] [2.2.1] Region 3 States suggested to move estuaries (4.3.1) and wetlands (4.3.2) to 2.2.1- Improve Water Quality on a Watershed Basis.

Response: In response to Region 3 States suggestion to move estuaries (4.3.1) and wetlands (4.3.2) to 2.2.1- Improve Water Quality on a Watershed Basis, EPA responds that it has adopted a policy of not moving program areas from one goal to another at this time.

Comment: 6.7.2 [R3 States] [2.2.1] Region 3 States suggested to move the subobjectives pertaining to the Great Lakes (4.3.3), Chesapeake Bay (4.3.4) and Gulf of Mexico (4.3.5) to Goal 2 as their own separate subobjectives.

Response: In response to the Region 3 States suggestion to move the subobjectives pertaining to the Great Lakes (4.3.3), Chesapeake Bay (4.3.4) and Gulf of Mexico (4.3.5) to Goal 2 as their own separate subobjectives, EPA responds it has adopted a policy of not moving program areas from one goal to another at this time.

Comment: 6.7.3 [R6 States] [2.2.1] Region 6 States commented that targets 2.2.1a and b should be either dropped or revised to capture finer scale, incremental, and partial water quality restoration and maintenance activities. Specifically, more accurate baselines should be established and a scientifically based and reproducible method needs to be developed using available sources of information such as the ADB as it is further populated by 11 and 14 digit HUCs.

Response: In response to the Region 6 States comment that targets 2.2.1a and b should be either dropped or revised to capture finer scale, incremental, and partial water quality restoration and maintenance activities, that specifically, more accurate baselines should be established and a scientifically based and reproducible method needs to be developed using available sources of information such as the ADB as it is further populated by 11 and 14 digit HUCs, EPA responds that it is proposing to replace Measures 2.2.1a and 2.2.1b with a new measure for targeted watershed restoration. EPA will work with states to assure that targets for this measure will be challenging but realistic.

Comment: 6.7.4 [R6 States, Arkansas] [2.2.1] Arkansas had the following comments:

- (1) Indices for biologic integrity should be developed to assess water body impairments
- (2) The nine element watershed plans should be more holistic and encompass influxes from all sources (point and non-point)

- (3) Need to develop centralized guidance that provides effective monitoring and assessment strategies for nonpoint sources (with case studies)
- (4) Ground water quality should be included

Response: In response to the State of Arkansas comments on 2.2.1:

(1) *Indices for biologic integrity should be developed to assess water body impairments*; EPA agrees that biological assessments should play a role in assessing waterbody impairments. See EPA's *Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act*, issued July 29, 2005, available at

<http://www.epa.gov/owow/tmdl/2006IRG/>.

(2) *The nine element watershed plans should be more holistic and encompass influxes from all sources (point and non-point)*; The FY 2004 (and beyond) grants guidelines state that, "EPA encourages States to include in their watershed-based plans approaches that will address all of the sources and causes of impairments and threats to the watersheds in question." Thus, the plans do allow for the flexibility to address all sources – point and nonpoint – as necessary. Furthermore, the guidelines state that, "We encourage States to implement watershed-based plans holistically, as this approach usually provides the most technically sound and economically efficient means of addressing water quality problems." Therefore, there is no inconsistency between what Arkansas wants and what the guidelines call for with respect to watershed-based plans.

(3) *Need to develop centralized guidance that provides effective monitoring and assessment strategies for nonpoint sources (with case studies)*; EPA provides a wealth of guidance and resources on nonpoint source management and control on its website at <http://www.epa.gov/owow/nps/>. This includes guidance and publications on monitoring and assessment.

Comment: 6.7.5 [R8]:[2.2.1]: Region 8 suggested that EPA revise the watershed restoration Measure A to reflect more realistic expectations of environmental improvement.

Response: EPA agrees with Region 8's suggestion that EPA revise the watershed restoration Measure A to reflect more realistic expectations of environmental improvement.. EPA is proposing to replace Measures 2.2.1a and 2.2.1b with a new measure for targeted watershed restoration. EPA will work with states to assure that targets for this measure will be challenging but realistic.

Comment: 6.7.6 [R9]:[2.2.1]: Region 9 suggested that 2.2.1 be revised to be more indicative of overall progress towards restoration. Progress can be measured by promoting watershed partnerships and approaches to restore waters via regulatory tools and voluntary methods.

Response: EPA agrees with Region 9 that the strategic architecture for Subobjective 2.2.1 should be more indicative of progress, both overall and incremental. The suite of strategic targets for this subobjective includes measures of targeted watershed improvement, maintenance of overall national water quality, and both overall and incremental restoration.

Comment: 6.7.7 [R9]:[2.2.1]: Region 9 commented that they support the concept of a watershed subobjective, however, the current measure 2.2.1a as currently defined is not a

useful target measure. Region 9 is identifying new measures to reflect overall efforts to improve water quality with a subobjective workgroup.

Response: In response to the Region 9 comment that they support the concept of a watershed subobjective, however, the current measure 2.2.1a as currently defined is not a useful target measure, and that it is identifying new measures to reflect overall efforts to improve water quality with a subobjective workgroup, EPA agrees. Based on input from Region 9 and other Regions, EPA is proposing to replace Measures 2.2.1a and 2.2.1b with a new measure for targeted watershed restoration. EPA will work with states to assure that targets for this measure will be challenging but realistic.

Comment: 6.7.8 [R9]:[2.2.1]: Region 9 Tribes suggested an additional measure/subobjective to 2.2.1 that 95 percent of waters in Indian country will be covered by approved water standards and will provide monitoring data pursuant to CWA Section 106 by 2011.

Response: EPA agrees with the need for tribes to provide monitoring data. The draft Section 106 Guidance for Tribes will address this need in detail. Furthermore, the current National Water Program Guidance includes a program activity measure regarding tribal monitoring strategies, which the Office of Water will propose to keep in place in FY 2007. EPA regrettably will be unable to include a measure addressing water quality standards coverage in Indian country. There are complex issues involved in establishing water quality standards in Indian country. EPA is working internally and with the Tribal Operations Committee to address a range of options for providing water quality protection in those parts of Indian country that currently do not have EPA-approved water quality standards in place. This work will continue in 2006.

Funding

Comment: 6.8.1 [R9]:[2.2.1][Funding]: Region 9 suggested that EPA assess adverse and disproportionate impacts on communities to support infrastructure improvements. Region 9 suggests that SRF percentage allocations should be modified to ensure adequate allocations to communities with adverse impacts. Increased BEIF funding could leverage other funding sources in Border areas.

Response: In response to the Region 9 suggestion on 2.2.1 that EPA assess adverse and disproportionate impacts on communities to support infrastructure improvements, that SRF percentage allocations should be modified to ensure adequate allocations to communities with adverse impacts, and that increased BEIF funding could leverage other funding sources in Border areas, EPA responds that Clean Water SRF allocations are set by statute and are not at the discretion of EPA. These programmatic issues are outside the scope of this Strategic Plan. EPA encourages Region 9 to work with Headquarters on this issue.

SRF

Comment: 6.9.1 [R1 States]: [2.2.1] [Funding] [SRF] Region 1 States commented that there is not enough funding for the NPS SRF measure.

Response: In response to the comment from the Region 1 States that there is not enough funding for the NPS SRF measure, EPA recognizes the need for providing

adequate funding for important water quality programs and expects that this measure will not be included in the 2006-1011 Strategic Plan.

Measures

Comment: 6.10.1 [R1]: [2.2.1] [Measures] Region 1 believes that EPA should consider using an alternative measure or indicator in lieu of measure 2.2.1a and b.

Response: In response to the Region 1 comment that it should consider using an alternative measure or indicator in lieu of measure 2.2.1a and b, EPA agrees. Based on input from Region 1 and other Regions, EPA is proposing to replace Measures 2.2.1a and 2.2.1b with a new measure for targeted watershed restoration. EPA will work with states to assure that targets for this measure will be challenging but realistic.

TMDL

Comment: 6.11.1 [R4 States] [2.2.1] [TMDL] The Region 4 States commented that measure 2.2.1a and b needs to be modified to reflect appropriate scale and incremental progress. Target 2.2.1b should be eliminated. The PAMs should be scaled back and aligned to achieve 2.2.1 targets.

Response: In response to the comment from the Region 4 States that measure 2.2.1a and b needs to be modified to reflect appropriate scale and incremental progress, that Target 2.2.1b should be eliminated, and that the PAMs should be scaled back and aligned to achieve 2.2.1 targets, responds that, based on input from states and EPA Regions, EPA is proposing to replace Measures 2.2.1a and 2.2.1b with a new measure for targeted watershed restoration. EPA will work with states to assure that targets for this measure will be challenging but realistic.

Watershed

Comment: 6.12.1 [R1 States]: [2.2.1] [Watershed] Region 1 States commented that the measure for the # of NPS impaired water bodies that are partially or fully restored is not a good measure since it will take a long time to demonstrate actual progress.

Response: In response to the comment from the Region 1 States that the measure for the # of NPS impaired water bodies that are partially or fully restored is not a good measure since it will take a long time to demonstrate actual progress, EPA responds that restoring primarily NPS-impaired waterbodies is the main long-term programmatic measure for the national NPS program, and is articulated in the PART as well as the Strategic Plan. Watershed-based plans, as called for in the main grants guidelines for the NPS program, are primarily (though not exclusively) geared towards restoring NPS-impaired waters. These plans currently are the core of the NPS program, and should help drive more efficient and targeted restoration efforts in the future. Section 319 incremental grant funds are reserved for the development and implementation of these plans. Intermediary progress prior to partial or full restoration may be demonstrated through the “substantial implementation” of watershed-based plans (PAM WQ-27).

Comment: 6.12.2 [R1 States]: [2.2.1] [Watershed] Region 1 States commented that some of the watershed planning measures (e.g. # of watershed plans substantially complete) set the bar too high and consequently the States will not be able to show much progress.

Response: In response to the comment from the Region 1 States that some of the watershed planning measures (e.g. # of watershed plans substantially complete) set the bar too high and consequently the States will not be able to show much progress, EPA responds that it has set forth the following definition for “substantially-implemented plans” in writing to Regional NPS staff:

a. ”Those actions called for in the initial watershed plan (i.e. prior to any later adjustment to the plan that may be deemed necessary under an iterative approach) specifically geared towards remediating the impairment(s) have been implemented. The plan in this case must meet the nine criteria for watershed-based plans outlined in the latest NPS grants guidelines.

b. Sufficient management measures and practices called for in the plan have been implemented to achieve the load reductions that are needed to meet WQS, even if the plan comes close to – but falls short of – including all nine criteria articulated in the NPS grants guidelines.”

This definition was negotiated with Regional NPS programs, and part (b) of the definition was included specifically at the request of Region 1. Therefore, EPA disagrees that this bar has been set too high. In fact, according to ACS, the goal of fifty substantially implemented plans by 2008 has already been met.

Comment: 6.12.3 [R1]: [2.2.1] [Watershed] Region 1 commented that the use of an 8-digit HUC scale for watershed outcome measures is too large.

Response: The proposed Strategic Target in Sub-objective 2.2.1 for targeted watershed improvements uses much smaller 12 digit HUCs.

Sub-Objective 2.2.2 Improve Coast and Ocean Waters

Comment: 6.13.1 [R6 States, Texas] [2.2.2] Texas commented that this subobjective should include other Federal and State agencies involved in wetlands protection (i.e. USACOE, NOAA, etc). In addition, Region 6 States commented that the national strategy to prevent wetlands loss needs to be revised to reflect natural and anthropomorphic occurrences (i.e. coastal development, hurricanes, possible sea-level rise, etc.)

Response: In response to the State of Texas comment that the 2.2.2 subobjective should include other Federal and State agencies, EPA responds that it is working closely with other Federal agencies and that the combined efforts of these agencies will be applied to wetlands protection work.

7. Objective 2.3 Enhance Science and Research

Sub-objective 2.3.1 Apply the Best Available Science

Comment: 7.1.1 [R10, Alaska and Tribes][2.3.1]: The State of Alaska and Tribes suggested that the science objective focus on ground water monitoring protocol for extremely cold climates.

Response: In response to the State of Alaska and Tribes suggestion that the 2.3.1 science objective focus on ground water monitoring protocol for extremely cold climates, OW responds that it will raise this matter with the Office of Research and Development.